



LEAGUE OF CONSERVATION VOTERS

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Mr. Jeff S. Jordan, Esq.  
Supervisory Attorney  
Complaints, Examination & Legal Administration  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

RE: MUR 6697 – League of Conservation Voters

Dear Mr. Jordan:

On behalf of the League of Conservation Voters, Inc. ("LCV"),<sup>1</sup> I am replying to the Complaint filed by the Republican Party of Montana alleging that LCV was responsible for a mail piece that did not have a disclaimer. For the reasons set forth below, the Federal Election Commission ("FEC" or "Commission") should find no reason to believe that LCV violated the Federal Election Campaign Act of 1971, as amended ("FECA") or the FEC's regulations, and take no further action.

**LCV did not pay for, authorize, create, produce, or distribute the mail piece referenced in the Complaint.**

LCV directly refutes the allegations in the Complaint and categorically denies any responsibility for the mail piece in question. In fact, LCV was unaware of the mail piece until the Complainant – via a press release – announced that it was filing an FEC complaint against LCV and others on October 31, 2012. LCV did not pay for, authorize, create, produce, or distribute the mail piece referenced in the Complaint. Moreover, there are no facts provided in the Complaint that support the allegation that LCV had any responsibility for this mailing. If Gene Karpinski, President of LCV, was required to testify with regard to this mailing, he would state that neither he, nor anyone authorized by LCV, had any role in paying for, designing, creating, producing or disseminating the mailing.

**The Complaint is mere speculation unsupported by any facts sufficient to find reason to believe that LCV violated the FECA or the FEC's regulations.**

The Complaint relies on mere speculation in alleging that LCV had some involvement in the mailing and fails to satisfy the basic requirements of a legitimate complaint. A complaint

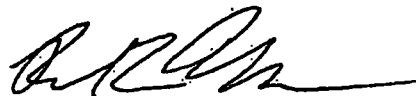
<sup>1</sup> Please note that the Complaint was improperly served on Patrick Collins in his capacity as treasurer of LCV. LCV is a 501(c)(4) nonprofit corporation and is not a political committee registered with the FEC and Mr. Collins is not the treasurer of LCV.

must "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction." 11 C.F.R. § 111.4(d)(3). The Republican Party of Montana's complaint falls far short of this standard. The logic appears to be that because LCV publicly announced a partnership with Montana Conservation Voters and Montana Hunters & Anglers Leadership Fund in July of 2012 to work to re-elect Senator Jon Tester and, thereafter, engaged in independent expenditures in support of Senator Tester and/or opposition to Representative Danny Rehberg, LCV was also responsible for the mailer in question. Complaint at 1. Any number of other organizations and PACs made independent expenditures in the Montana Senate race. The fact that LCV engaged in this lawful activity provides no more basis to assume that LCV was responsible for the mail piece than any other politically active group in the election.<sup>2</sup>

In light of the deficiency of the Complaint in providing a single fact to support the Republican Party of Montana's allegation that LCV had a role in the mailing, the Commission should take no further action. Consistent with the statute and the regulations, the Commission's 2007 Statement of Policy states that "a reason to believe finding followed by an investigation would be appropriate when a complaint credibly alleges that a significant violation may have occurred." Statement of Policy Regarding Commission Action in Matters at the Initial Stage in the Enforcement Process, 72 Fed. Reg. 12545, 12546 (March 16, 2007). Applying this standard, the Commission has previously concluded that a "reason to believe" finding is justified only if a complaint sets forth sufficient specific facts which if proven true would constitute a violation of the FECA. See Statement of Reasons of Commissioners Mason, Sandstrom, Smith, and Thomas in MUR 4960 (Dec. 21, 2000); Statement of Reasons of Commissioners Mason, Sandstrom, McDonald, Smith, Thomas, and Wold in MUR 5141 (April 17, 2002). In both MUR 4960 and MUR 5141, the Commission stated that unwarranted legal conclusions from asserted facts or mere speculation in a complaint would not be accepted as true.<sup>3</sup>

For the foregoing reasons, we respectfully request that the Commission dismiss the Complaint and take no further action. LCV did not have any role in the mailer in question; and the Complaint, on its face, is speculative and fails to provide any facts upon which the Commission could proceed with an investigation.

Sincerely,



Richard L. Thomas  
General Counsel & Senior Vice President

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<sup>2</sup> One could just as easily make the equally speculative claim that a group or individual that was not previously engaged in this race was responsible for the mailer.

<sup>3</sup> All of the current Commissioners have voted to approve matters containing Factual & Legal Analyses that cite MUR 4960 and MUR 5141 in finding no reason to believe a violation occurred when speculative complaints lacked specific facts. See e.g. MUR 5972 (Nov. 4, 2008), MUR 6077 (May 19, 2009).